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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/390,026	09/03/1999	CHARLES A. PEYSER	07710.0001-0	6211

32042 7590 02/23/2004

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EXAMINER

GARG, YOGESH C

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/390,026

Applicant(s)

PEYSER ET AL. 

Examiner

Yogesh C Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Responses to Office Action, paper numbers 13 and 15, received on 10/31/2003 & 11/25/2003 are acknowledged and entered. No amendments, cancellations and additions have been made to the originally filed claims. Currently claims 1-38 are pending for examination.

Response to Arguments

2. Applicant's arguments with respect to 35 U.S.C. 103 (a) rejection of claims 1-38, filed on 10/31/2003 & 11/25/2003 have been considered but are not persuasive for reasons given below:

(i) In response to applicant's argument concerning rejection of claims 1-3, 5, 8-16, 18, and 21-38 under 35 USC 103 (a) , that there is no suggestion to combine the references Giovannoli and Shkedy (see Response, pages 2-4) , the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Giovannoli teaches all the limitations of the above cited claims except for explicitly disclosing buying and selling telecommunication services. Note: The applicant has not submitted any arguments against this analysis submitted

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in the earlier office action. But Giovannoli when combined with Shkedy also discloses selling telecommunications services (see Shkedy col.28, lines 35-38, "*.. Long Distance Telephonegroup of business could negotiate a better rate of on their long distance* "). Thus the prior art references teach all the limitations of the above-cited claims. Further, the suggestion or motivation to combine the references exist in the references themselves (see Shkedy col.27, lines 64-67, and col.28 lines 35-38. Here, Shkedy emphasizes to fulfill a potential need of users such as buying and selling long distance Telephone services, which are part of telecommunication services. Thus, in view of Shkedy, it would have been obvious to combine this feature with Giovannoli so that the users could locate appropriate vendors/sellers to buy telecommunication services to fulfill their potential needs as explicitly disclosed in Shkedy. This suggestion/motivation in Shkedy also negates the applicant's argument (see response page 5) that combination of Giovannoli and Shkedy does not provide a reasonable expectation of success. Because the very fact that Shkedy considers buying and selling telecommunication services as potential needs of the users is significant to provide a reasonable expectation of success in the modification of Giovannoli to incorporate the Shkedy's feature of buying and selling telecommunication services.

The applicant, further argues that Giovannoli and Shkedy cannot be combined (see Response, pages 2-3), as in Giovannoli seller is not capable of entering into a legally binding contract as it is being done in Shkedy. The examiner dose not agree for two reasons: (1) Giovannoli does disclose entering into a legally binding contract, see Fig.8 and col.5, line 49-col.6, line 6. In Fig.8, if the buyer accepts the quote it becomes a legally binding contract.

The applicant further argues that the examiner has used hindsight analysis to combine the references, (see Response, page 4). The examiner does not agree. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper

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hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In this case all the teachings of the above cited claims as well as motivation to combine exist in the cited references, as analyzed above, and hence there is no truth in the argument that the examiner has used hindsight analysis to combine the references.

For reasons given above, the rejection of claims 1-3, 5, 8-16, 18, and 21-38 under 35 U.S.C. 103(a) as being unpatentable over Giovannoli and further in view of Shkedy is maintained.

(ii) In response to applicant's argument (See Response, page 6) concerning rejection of claims 4 and 17 under 35 USC 103 (a) as being obvious over Giovannoli/Shkedy in view of Harper, that the examiner has used hindsight to combine the references Harper, Giovannoli and Shkedy, the examiner does not agree for the following reasons: (a) the applicant has made a mere statement without providing any reasoning/errors in the examiner's rejection submitted in the earlier office action, and (b) In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In this case all the teachings of

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the above cited claims as well as motivation to combine exist in the cited references, as submitted above in (i) and in the earlier office action, and hence there is no truth in the argument that the examiner has used hindsight analysis to combine the references.

The applicant further argues that Harper's teachings of demographics do not teach or suggest the unique method and system recited in claims 4 and 17 respectively, either alone or in combination with Shkedy and Giovannoli. In response, the examiner does not agree for the following reasons: It has been analyzed above that Giovannoli combined with Shkedy teaches all the limitations of claims 1 and 15 on which claims 4 and 17 depend respectively. Claims 4 and 17 recite obtaining business demographics from the buyer. In his response on page 2, paper # 11 received on 05/9/2003 the applicant has submitted the meaning of demographics as " the term demographics may be used to describe the collective characteristics of the individual people within a business " and the same was agreed to by the examiner in his office action, paper # 12, mailed on 07/28/2003. Harper's teachings conform to this definition of obtaining business demographics (see at least col.18, lines 58-61, "...A *subset of SSNS, SalesCue assists reps by recommending products and services to sell to customers based on demographics and life-style clues obtained during the contact* ". Here, the customers' demographics and life-style clues pertain to the individual characteristics which are collected and used to recommend products and services). Thus, In this case all the teachings of the claims 4 and 17 as well as motivation to combine exist in the cited references, as submitted above in (i) and in the earlier office action, and hence there is no truth in the argument that the examiner has used hindsight analysis to combine the references or that the combined references of Giovannoli/Shkedy/Harper does not disclose or teach the teachings recited in claims 4 and 17.

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In view of the foregoing the rejection of claims 4 and 17 under 35 USC 103 (a) as being obvious over Giovannoli/Shkedy in view of Harper is maintained.

(iii) In response to applicant's arguments (See Response, pages –6-8) concerning rejection of claims 6 and 19 under 35 USC 103 (a) as being obvious over Shkedy/Shkedy in view of the Official Notice, the examiner 's response is as follows:

(a) It has been analyzed above that Giovannoli combined with Shkedy teaches all the limitations of claims 1 and 14 on which claims 6 and 19 depend respectively. With regards to the limitations of claims 6 and 19, examiner submitted that Giovannoli in view of Shkedy as applied to claims 1 and 14 respectively discloses buying and selling telecommunication services and while ordering for services the type of service and features of the desired services are identified (see Giovannoli at least col.14, lines 1-49 “... *The programming.....would include information sufficient.....to identify standard goods or services that they wish to identify in a request for quotation* “, FIG.7, “ **Product identification**”, Fig.8, “.....**Product name.....Product number ...Manufacturer....**”. All these features correspond to identifying a service and its features as claimed. This service could be any type of services including long distance telephone service as disclosed in Shkedy.). The examiner acknowledged that Giovannoli/Shkedy does not teach identifying business sites to receive the telecommunication services and for that matter the examiner took support of the Official Notice about the notoriously well-known fact of identifying the location of a business site to install or conduct services. Thus by combining Giovannoli/Shkedy with Official Notice the references disclose all the limitations recited in claims 6 and 19.

(b) In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., A

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buyer specifying different desired services for different sites or comparing the desired features of each business site [see page 7, line 17-page 8 line 10]0 are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(c) The applicant has neither traversed the facts and benefits of the Official Notice, taken by the examiner, adequately nor asked for a documentary evidence.

In view of the above (a), (b), and (c) the applicant's traverse of the examiner's assertion of the Official Notice is not adequate and as per *MPEP-2144.03 [R-1] C Reliance on Common Knowledge in the Art or "Well Known" Prior Art -*, the common knowledge or well-known fact considered as Official Notice in the art statement is taken to be admitted prior art and the rejection of claims 6 and 19 is maintained..

(iv) In response to applicant's arguments (See Response, pages –8-9) concerning rejection of claims 7 and 20 under 35 USC 103 (a) as being obvious over Giovannoli/Shkedy in view of the Official Notice, the examiner 's response is as follows:

(a) It has been analyzed above that Giovannoli combined with Shkedy teaches all the limitations of claims 1 and 14 on which claims 7 and 20 depend respectively. With regards to the limitations of claims 7 and 20, examiner submitted that Giovannoli in view of Shkedy as applied to claims 1 and 14 respectively discloses buying and selling telecommunication services. The examiner acknowledged that Giovannoli/Shkedy does not teach obtaining information regarding prior use of telecommunication services of the buyer and for that matter the examiner took support of the Official Notice about the notoriously well-known practice of enquiring of the buyer about his earlier use of the similar services as exemplified while buying cars because obtaining

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information about earlier use of products/services helps to collect a history on the customer's use and experience with such products/services and also to gain either a positive or negative feed back on a particular type or brand of service and this information can be used to create a user's profile to be used for future marketing and promoting new products . Just for evidence sake, a copy of US Patent 6,167,383 to Henson is enclosed which explicitly discloses obtaining information regarding prior use of computers when buying computers (see at least FIG.7 which discloses obtaining information about the prior use of Dell computers by knowing the Dell customer #. By knowing Dell customer # it will be possible to retrieve the information about the earlier use of Dell products. Therefore, it will be obvious for a person of an ordinary skill in the art to use the feature of obtaining information regarding prior use of products/services , regardless of the fact if the products/services are cars, computer/computer related services or telecommunication services as in every case it helps to create a user's profile to be used for future marketing and promoting new products. Note: Also see MPEP –2144 D –“ *Determine Whether the Next Office Action Should Be Made Final If the examiner adds a reference in the next Office action after applicant's rebuttal, and the newly added reference is added only as directly corresponding evidence to support the prior common knowledge finding, and it does not result in a new issue or constitute a new ground of rejection, the Office action may be made final* ”.

(b) In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., determining how good of an offer to make to a customer based in part on prior information or specific details as volume of services required or time services used [see page 9 lines 3-13] are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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(c) The applicant has neither traversed the facts and benefits of the Official Notice taken by the examiner, adequately nor asked for a documentary evidence.

In view of the above (a), (b), and (c) the applicant's traverse of the examiner's assertion of the Official Notice is not adequate and as *per MPEP-2144.03 [R-1] C: Reliance on Common Knowledge in the Art or "Well Known" Prior Art* - the common knowledge or well-known fact considered as Official Notice in the art statement is taken to be admitted prior art and the rejection of claims 7 and 20 is maintained.

This is a Final Rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 8-16, 18, 21-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli and further in view of Shkedy.

3.1. **With regards to claims 1**, Giovannoli discloses a method for purchasing services, comprising:

receiving a request for purchasing at least one service from a buyer via a buyer terminal (see at least FIG.1, "BUYER" represents buyers' terminals, col.2, lines 52-65, ".....processes requests for quotation for goods and/or services from a buyer ...", col.3, lines 5-21, col.5, lines 49-57, FIG.2A, FIG.4, FIG.8);

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providing the request to a plurality of seller terminals, each of the seller terminals being associated with a different providers of services (see at least FIG.1, " VENDOR " represents sellers' terminals, col.2, lines 52-col.3, line 21, "*.....transmitting or making available the buyer's request for quotation to said selected vendors ...*", col.5, lines 49-57, FIG.2A, FIG.4, FIG.8;

receiving a reply from at least one of the seller terminals in response to the request(see at least col.2, lines 52-col.3, line 21, "*.....said selected vendors communicating their quotations either directly to the buyer or to the computerized system* ", col.5, lines 58-61, FIG.2A, FIG.2B, FIG.4, FIG.8);

providing the reply to the buyer terminal (see at least col.2, lines 52-col.3, line 21, "*.....said selected vendors communicating their quotations either directly to the buyer or to the computerized system* ", col.5, lines 58-61, FIG.2A, FIG.2B, FIG.4, FIG.8);

receiving a selection from the buyer terminal in response to the reply (see at least FIG.2B " *....Enable the buyer to select options...quotations....*", col.6, lines 1-11, "*.....would permit the buyer to select a response option directly from the quotation HTML-page.....*"; and

notifying a provider of the selection and an identity of the buyer (see at least FIG.2B " *....such options may include sending an electronic purchase order in response to a vendors quotation.....processing of HTML e-mail responses....*", col.6, lines 1-11, "*The option may be to request that an e-mail purchase order be sent to a vendor.....*";).

Giovannoli teaches selling services without any restriction from any types of vendors without any restriction via a communication network (see at least col.1, lines 5-15, "*The invention relates generally...for processing requests for quotations for...services from network members...through the computer based communications network of network members* ", col.2, lines 35-51, col.7, lines 31-47). Giovannoli does not explicitly disclose buying/selling telecommunication services. However, Shkedy, in the same filed of electronic commerce of

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buying and selling, explicitly teaches buying/selling telecommunication services (see Shkedy col.28, lines 35-38, “.. *Long Distance Telephonegroup of business could negotiate a better rate of on their long distance* ”).

In view of Shkedy, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Giovannoli to incorporate the feature of buying and selling telecommunication services as explicitly disclosed in Shkedy. Doing so would help the buyers to locate appropriate vendors and vendors/sellers to dispose off their surplus capacity efficiently and economically as stated in Giovannoli (see at least col.1, lines 25-41).

With regards to claims 2-3, Giovannoli/Shkedy further teaches :

registering the buyer prior to receiving the request (see Giovannoli, col.4, lines 1-4, “ *registered as a user by completing an application and can be a buyer* ”, col.4, line 67-col.5, line 8),

obtaining contact information from the buyer and the buyer name (col.4, line 67-col.5, line 8, “ *.....A potential user accesses the Internet.....and becomes a quotation network user by completing a registration application providing necessary data about itself* ”. Note: The necessary registration data to include buyer's name and contact information.);

assigning an initial password to the buyer (col.4, lines 58-60, “ *New members would receive password information*”).

With regards to claim 5, Giovannoli/Shkedy teaches Identifying billing preferences for the service (see at least Giovannoli, FIG.2B, “ *...Buyer to select options.....appropriate credit information of the buyer be provided to the vendor from records kept by the system* ”, col.6, lines

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2-23, "...to effect automatically a credit purchase.....payment on confirmation from the shipper....and accepted by the buyer...permit release of funds to the vendors account...).

With regards to claim 8, Giovannoli/Shkedy teaches: compiling a list of providers to receive the request; and wherein the providing the request includes: granting access to the request to only the providers on the list (see at least Giovannoli, FIG.5, " *Table of selected vendors.....populate FTP files of vendors selected for this RFO.....Get a vendor from.....selected table...*", col.5, lines 9-39).

With regards to claim 9, Giovannoli/Shkedy teaches compiling a list of providers to receive the request; and wherein the providing the request includes: distributing the request to only the providers on the list (see at least Giovannoli, FIG.5, " *Table of selected vendors... ..populate FTP files of vendors selected for this RFO.....Get a vendor from.....selected table ...*", col.5, lines 9-39).

With regards to claim 10, Giovannoli/Shkedy teaches: verifying an identity of the buyer and presenting the request to the seller terminals only when the identity of the buyer is verified (see at least Giovannoli, col.4, lines 1-4, "...registered as a user by completing an application ...", col.4, lines 58-60, "...members would receive password information...."col.4, lines 67-col.5, line 8, ".....once registered, a member can access the forms necessary for preparing a request for quotation.....").

With regards to claim 11, Giovannoli/Shkedy teaches presenting, to the buyer terminal, contractual terms and conditions for providing the at least one telecommunication service from

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the notified provider (see at least Giovannoli, col.5, lines 58 , " *The lower portion of FIG.8 shows a response from ...with pricing, contact information, delivery, and vendor notes....subject to prior sale...*", FIG.8); and

receiving an acceptance of the terms and conditions from the buyer terminal (see Giovannoli at least FIG.2B " *....Enable the buyer to select options...quotations....*", col.6, lines 1-11, " *.....would permit the buyer to select a response option directly from the quotation HTML-page.....*", FIG.2B " *....such options may include sending an electronic purchase order in response to a vendors quotationprocessing of HTML e-mail responses....*", col.6, lines 1-11, " *The option may be to request that an e-mail purchase order be sent to a vendor.....*").

With regards to claim 12, Giovannoli/Shkedy teaches receiving, from the seller terminals, filtering criteria that specifies types of requests the providers want to receive; and distributing the request to seller terminals based on the filtering criteria (see at least Giovannoli, col.5, lines 11-36, " *....vendors may "deselect" themselves from quoting on certain types of RFQs.....Filtering performed by a quotation system computer may simply involve limiting the network members to whom the RFQ is given and/or to whom responses are given...*", FIG.7, " *Vendor adds to the data packet.....Note: Vendor's filter qualifications for buyers can be registered.....*", col.7, lines 31-47.).

With regards to system claim 13, its limitations correspond to the limitations of the method claim 1 analyzed above and are therefore analyzed and rejected on the same basis. Also see Giovannoli, col.6, lines 36-59.

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With regards to system claims 14-16, 18, 21-25, their limitations correspond to the limitations of the method claims 1-3, 5, and 8-12 analyzed above and are therefore analyzed and rejected on the same basis. Also see Giovannoli, col.6, lines 36-59.

With regards to claim 26, Giovannoli discloses a computer-implemented method for purchasing services, comprising:

generating a request for select services (see at least FIG.1, "BUYER" represents buyers' terminals, col.2, lines 52-65, "*.....processes requests for quotation for goods and/or services from a buyer ...*", col.3, lines 5-21, col.5, lines 49-57, FIG.2A, FIG.4, FIG.8);

distributing the request to a plurality of sellers of services (see at least FIG.1, "VENDOR" represents sellers' terminals, col.2, lines 52-col.3, line 21, "*.....transmitting or making available the buyer's request for quotation to said selected vendors ...*", col.5, lines 49-57, FIG.2A, FIG.4, FIG.8);

receiving replies to the request from the sellers (see at least col.2, lines 52-col.3, line 21, "*.....said selected vendors communicating their quotations either directly to the buyer or to the computerized system*", col.5, lines 58-61, FIG.2A, FIG.2B, FIG.4, FIG.8);

selecting at least one of the sellers based on the received replies (see at least col.2, lines 52-col.3, line 21, "*.....said selected vendors communicating their quotations either directly to the buyer or to the computerized system*", col.5, lines 58-61, FIG.2A, FIG.2B, "*....Enable the buyer to select options....quotations....*", FIG.4, FIG. 8, col.6, lines 1-11, "*.....would permit the buyer to select a response option directly from the quotation HTML-page.....*"); and

notifying the at least one seller of the selection (see at least FIG.2B "*....such options may include sending an electronic purchase order in response to a vendors*

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quotation.....processing of HTML e-mail responses....", col.6, lines 1-11, " The option may be to request that an e-mail purchase order be sent to a vendor.....");.

Giovannoli teaches selling services without any restriction from any types of vendors without any restriction via a communication network (see at least col.1, lines 5-15, "*The invention relates generally...for processing requests for quotations for...services from network members...through the computer based communications network of network members*", col.2, lines 35-51, col.7, lines 31-47). Giovannoli does not explicitly disclose buying/selling telecommunication services. However, Shkedy, in the same field of electronic commerce of buying and selling, explicitly teaches buying/selling telecommunication services (see Shkedy col.28, lines 35-38, "*.. Long Distance Telephonegroup of business could negotiate a better rate of on their long distance* ").

In view of Shkedy, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Giovannoli to incorporate the feature of buying and selling telecommunication services as explicitly disclosed in Shkedy. Doing so would help the buyers to locate appropriate vendors and vendors/sellers to dispose off their surplus capacity efficiently and economically as stated in Giovannoli (see at least col.1, lines 25-41).

With regards to claim 27, Giovannoli/Shkedy teaches: compiling a list of sellers to receive the request; and wherein distributing the request includes: granting access to the request to only the sellers on the list (see at least Giovannoli, FIG.5, "*Table of selected vendors.....populate FTP files of vendors selected for this RFO.....Get a vendor from.....selected table...*", col.5, lines 9-39) .

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With regards to claim 28, Giovannoli/Shkedy teaches compiling a list of sellers to receive the request; and wherein distributing the request includes: transmitting the request to only the sellers on the list (see at least Giovannoli, FIG.5, “ *Table of selected vendors... ..populate FTP files of vendors selected for this RFO... ..Get a vendor from... ..selected table ...*”, col.5, lines 9-39).

With regards to claim 29, Giovannoli/Shkedy teaches: verifying an identity of an initiator of the request and distributing the request includes: presenting the request to the sellers only when the identity is verified (see at least Giovannoli, col.4, lines 1-4, col.4, lines 58-60, col.4, lines 67-col.5, line 8).

With regards to system claims 30-34, their limitations correspond to the limitations of the method claims 26-29 analyzed above and are therefore analyzed and rejected on the same basis. Also see Giovannoli, col.6, lines 36-59.

With regards to claim 35, Giovannoli discloses a method comprising:

receiving requests for providing services from a plurality of buyers via buyers' terminals (see at least FIG.1, “ BUYER “ represents buyers' terminals, col.2, lines 52-65, “ *.....processes requests for quotation for goods and/or services from a buyer ...*”, col.3, lines 5-21, col.5, lines 49-57, FIG.2A, FIG.4, FIG.8);

providing the requests to a plurality of seller terminals, the requests excluding identities of the buyers, each of the seller terminals being associated with a different providers of services (see at least FIG.1, “ VENDOR “ represents sellers' terminals, col.2, lines 52-col.3, line 21, “ *.....transmitting or making available the buyer's request for quotation to said selected vendors*

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...”, FIG.7, “ Sample buyer’s data packet.....Buyer’s identification (code) “. Note: A code is used to identify the buyer while transmitting the requests to sellers and not the actual identity of the buyer. Also see col.5, lines 49-57, FIG.2A, FIG.4, FIG.8);

receiving replies from the seller terminals in response to the request and providing the replies to the buyer terminals (see at least col.2, lines 52-col.3, line 21, “.....said selected vendors communicating their quotations either directly to the buyer or to the computerized system “, col.5, lines 58-61, FIG.2A, FIG.2B, FIG.4, FIG.8 ;

receiving selections from the buyer terminals based on the replies (see at least FIG.2B “Enable the buyer to select options...quotations....”, col.6, lines 1-11, “.....would permit the buyer to select a response option directly from the quotation HTML-page.....”); and

notifying providers of the selection and the identities of the buyers (see at least FIG.2B “such options may include sending an electronic purchase order in response to a vendors quotation.....processing of HTML e-mail responses....”, col.6, lines 1-11, “ The option may be to request that an e-mail purchase order be sent to a vendor.....”);.

Giovannoli teaches selling services of any type without any restriction from any types of vendors without any restriction via a communication network (see at least col.1, lines 5-15, “ The invention relates generally...for processing requests for quotations for...services from network members...through the computer based communications network of network members “, col.2, lines 35-51, col.7, lines 31-47). Giovannoli does not explicitly disclose buying/selling telecommunication services. However, Shkedy, in the same filed of electronic commerce of buying and selling, explicitly teaches buying/selling telecommunication services (see Shkedy col.28, lines 35-38, “.. Long Distance Telephonegroup of business could negotiate a better rate of on their long distance “). In view of Shkedy, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Giovannoli to incorporate the

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feature of buying and selling telecommunication services as explicitly disclosed in Shkedy.

Doing so would help the buyers to locate appropriate vendors and vendors/sellers to dispose off their surplus capacity efficiently and economically as stated in Giovannoli (see at least col. 1, lines 25-41).

With regards to system claim 36, its limitations correspond to the limitations of the method claim 35 analyzed above and are therefore analyzed and rejected on the same basis. Also see Giovannoli, col.6, lines 36-59.

With regards to claim 37, for computer-readable medium configured to store instructions that cause a computer to perform, its limitations correspond to the limitations of the method claim 35 analyzed above and are therefore analyzed and rejected on the same basis. Also see Giovannoli, col.6, lines 36-59.

With regards to claim 38, for computer-readable medium configured to store instructions that cause a computer to perform, its limitations correspond to the limitations of the method claim 26 analyzed above and are therefore analyzed and rejected on the same basis. Also see Giovannoli, col.6, lines 36-59.

4 Claims 4 and 17 are rejected under 35 U.S.C. 103(a) as being obvious over Giovannoli/ Shkedy in view of Harper et al. (US Patent 5,416,833), hereinafter, referred to as Harper.

With regards to claims 4 and 17, Giovannoli/Shkedy teaches a method and system

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Purchasing telecommunication services, as disclosed and analyzed in claims 1 and 14 above. .

Giovannoli/Shkedy further teaches obtaining business information of the buyer (see Giovannoli, FIG.7, " *Sample Buyer's Data Packet-----Note: Buyer's filter conditions might include language spoken.....location of the vendor* ").

Giovannoli/Shkedy does not explicitly disclose obtaining demographics -characteristics of the individual people in business, if the buyer is a business entity. Harper, in the same field of endeavor, i.e. of receiving service requests and orders for telephone services, teaches obtaining demographics about the individual people (see at least col.18, lines 58-61, "... *demographics and life-style clues obtained during the contact* ").

In view of Harper, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Giovannoli/Shkedy to include the step of obtaining demographics -characteristics of the individual people in business because it would enable the suppliers to recommend and sell products and services to customers based upon their characteristics, as explicitly taught in Harper (col.18, lines 58-61).

5. Claims 6-7 and 19-20 are rejected under 35 U.S.C. 103(a) as being as being obvious over Giovannoli/ Shkedy in view of Official Notice.

5.1. **With regards to claims 6 and 19**, Giovannoli/Shkedy teaches a method and system purchasing telecommunication services, as disclosed and analyzed in claims 1 and 14 above. Giovannoli/Shkedy further teaches identifying telecommunication services for each of the business sites, and identifying desired features of each of the telecommunication services (see at least Giovannoli , col.4, lines 1-49, "... *The programming.....would include information sufficient.....to identify standard goods or services that they wish to identify in a request for quotation* ", FIG.7, " *Product identification* ", Fig.8, ".....*Product name.....Product number*

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...Manufacturer....") and receiving, from the buyer terminal, an identification of business sites to ship goods (see at least Giovannoli, FIG.7, "...Sample Buyers Data Packet Ship destination", FIG.8, "....Routing to : New Jersey "). Giovannoli/Shkedy does not disclose identifying business sites to receive the at least one telecommunication service.

Official Notice is taken of the fact and benefits of informing or identifying the locations where the services are to be used. As per knowledge generally available it is well known that buyers (including both individual and businesses) when ordering for repair services of appliances or installation of new wiring, cable services, etc. it would be inherent to inform/identify the locations where the said services are required so that the supplier of services can access and repair/install the services and estimate cost to reach those locations. In view of the Official Notice, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Giovannoli/Shkedy to include the step of identifying the business sites to receive the ordered service. Doing so would enable the supplier of services to access and repair/install the services, as explained above in the examples.

5.2. With regards to claims 7 and 20, Giovannoli/Shkedy teaches a method and system purchasing telecommunication services, as disclosed and analyzed in claims 1 and 14 above. Giovannoli/Shkedy does not disclose obtaining information regarding prior use of telecommunication services of the buyer. Official Notice is taken of the fact and benefits of obtaining information regarding prior use of services/products of the buyer. As per knowledge generally available it is very well known that salesmen do enquire from buyers information regarding prior use of services or products they purchase. For example, when buying a car at a dealer, the car salesmen always want to know which car you want to trade, or telemarketers for loans enquire the buyers their existing rate of interest, or telemarketers for long distance

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telephone services enquire about the present service. Knowing information about the prior use helps the salesmen to compare their products with the products used earlier by the buyers and inform them about the salient facts about their products.

In view of the Official Notice, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Giovannoli/Shkedy to include the step of obtaining information about prior use of the service from the buyer because this information will help the salesmen to better convince the buyers to buy their products, as explained above in the examples. Also, because obtaining information about earlier use of products/services helps to collect a history on the customer's use and experience with such products/services and also to gain either a positive or negative feed back on a particular type or brand of service and this information can be used to create a user's profile to be used for future marketing and promoting new products. Just for evidence sake, a copy of US Patent 6,167,383 to Henson is enclosed which explicitly discloses obtaining information regarding prior use of computers when buying computers (see at least FIG.7 which discloses obtaining information about the prior use of Dell computers by knowing the Dell customer #. By knowing Dell customer # it will be possible to retrieve the information about the earlier use of Dell products. Therefore, it will be obvious for a person of an ordinary skill in the art to use the feature of obtaining information regarding prior use of products/services , regardless of the fact if the products/services are cars, computer/computer related services or telecommunication services as in every case it helps to create a user's profile to be used for future marketing and promoting new products. Note: Also see MPEP –2144 D –“ *Determine Whether the Next Office Action Should Be Made Final If the examiner adds a reference in the next Office action after applicant's rebuttal, and the newly added reference is added only as directly corresponding evidence to support the prior common knowledge finding, and it does not result in a new issue or constitute a new ground of rejection, the Office action may be made final* “.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Patent 6,167,383 to Henson explicitly discloses obtaining information regarding prior use of computers when buying computers (see at least FIG.7 which discloses obtaining information about the prior use of Dell computers by knowing the Dell customer #. By knowing Dell customer # it will be possible to retrieve the information about the earlier use of Dell products. Further, Fig.8 discloses obtaining business demographics from the buyer, Figs.9 & 10 discloses receiving identification of business sites & shipping instructions and Figs. 3-5 disclose identifying products and desired features of the identified products.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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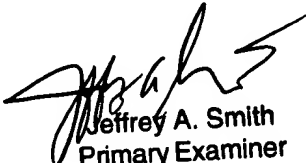
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Yogesh C Garg
Examiner
Art Unit 3625

YCG
February 13, 2004


Jeffrey A. Smith
Primary Examiner